

Col. William B. Guild  
Director of Counterintelligence  
Office of Assistant Chief of Staff for Intelligence  
Department of the Army  
Washington, D.C. 20310

3/30/81

DAMI - CIS

Dear Colonel Guild,

In your letter of March 25, in response to mine of March 14, you state that there are no records pertaining to the assassination of President Kennedy because all those provided to the House Select Committee on Assassinations were "returned to Army control and are 'sealed and segregated' with the appropriate (sic) record system at the request of the Clerk, House of Representatives." You state what is not factually correct, that "They constitute the investigative files of a congressional committee and/ are therefore exempt from all provisions of the Freedom of Information Act (FOIA)." The records I requested are those of the Army, not the Congress, and the Army's records are not "exempt from all the provisions of" FOIA.

In fact my first request for those records was many years before there was any HSCA. I was then informed, quite inaccurately, it now turns out, that all such files were destroyed. If there is any provision of FOIA or any other Act that enables the Army to pretend that its records of more than a decade earlier become the records of the Congress, you do not cite it. If there is any such authority, I would appreciate a copy. I have followed FOIA and its legislative history closely and I recall nothing like this. Quite the opposite, no record of the executive branch is immune under FOIA unless it is within one of the nine legislated exemptions.

If any of this were by any chance true, it would apply only to those copies provided to HSCA. You can avoid dispute and possible litigation of this contrived issue by providing me with copies made from the Army's file copies rather than from the copies made for HSCA and returned by it.

Perhaps the Clerk of the House can sequester the records of the House but until now I know of no agency claiming that he can sequester its records. The Department of Justice and the FBI have been and are disclosing records copies of which it also provided to HSCA.

Sincerely,

Harold Weisberg